



# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Edmund G. Brown Jr.**  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

March 22, 2012

**In reply refer to:**  
**776680:dbradford**

**Neil M. Cleveland**  
**Roger W. Epperson**  
**28046 Del Rio Road, Suite C**  
**Temecula, CA 92590**

Certified Mail:  
7010 1060 0000 4952 7730

**Corey Wood (Prospective Buyer)**  
**39559 Calle Anita**  
**Temecula, CA 92592-8318**

Certified Mail:  
7010 1060 0000 4952 7723

To Neil M. Cleveland, Roger W. Epperson, and Corey Wood:

**Subject: Notice of Violation No. R9-2012-0032**

Enclosed is Notice of Violation (NOV) No. R9-2012-0032 issued to Neil M. Cleveland, Roger W. Epperson, and Corey Wood for violations of California Water Code (CWC) Sections 13260 for failure to file a Report of Waste Discharge (ROWD) and for violations of Order No. 2009-0009-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities* (General Construction Storm Water Permit), issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by April 30, 2012 that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.



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IN THE MATTER OF: )

Neil M. Cleveland )  
Roger W. Epperson )  
28046 Del Rio Road, Suite C )  
Temecula, CA 92590 )

Corey Wood (Prospective Buyer) )  
39559 Calle Anita )  
Temecula, CA 92592-8318 )

NOTICE OF VIOLATION  
NO. R9-2012-0032

In reply refer to:  
776680:dbradford

California Water Code Section 13260  
Water Quality Order No. 2009-0009-DWQ Section(s) F & M

Subject Site: Southeast corner of Warren Road and East Benton Road, Temecula Valley area of unincorporated Riverside County approximately 1.5 miles southeast of Lake Skinner, APN# 924-370-005.

### YOU ARE HEREBY NOTIFIED THAT:

Neil M. Cleveland, Roger W. Epperson, and Corey Wood, hereafter referred to as "Dischargers," you are in violation of California Water Code (CWC) Section 13260 for failure to file a Report of Waste Discharge (ROWD) and for violations of Order No. 2009-0009-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities* (General Construction Storm Water Permit). Such violations subject you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

**II. FAILURE TO FILE NOTICE OF INTENT (NOI)**

➤ **Pursuant to Water Quality Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ; Section F:**

- All dischargers shall file an NOI and pay the appropriate fee for any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one (1) acre.

**Observation:** Construction activity has resulted in land disturbance of an area greater than one acre. Land disturbance included clearing, grubbing, excavation, and stockpiling of cleared riparian & wetland vegetation. The Dischargers did not file an NOI and pay the appropriate fee.

**III. FAILURE TO DEVELOP & FURNISH STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

➤ **Pursuant to Water Quality Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ, Section M:**

- The General Construction Storm Water Permit requires the development of a site-specific SWPPP. The SWPPP must include the information needed to demonstrate compliance with all requirements of the General Permit, and must be kept on the construction site and be available for review. The discharger shall ensure that a Qualified SWPPP Developer (QSD) develops the SWPPP.
- The General Construction Storm Water Permit requires a Qualified SWPPP Practitioner to oversee implementation of the BMPs required to comply with this General Permit

**Observation:** The Dischargers have not prepared a SWPPP and consequently did not provide a SWPPP to San Diego Water Board staff at the site inspection when requested to do so.

Facility: SE corner of Warren Road and East Benton Road, Temecula, CA APN# 924-370-005  
 Inspection Date: 1/6/2012

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION  
 WATERSHED PROTECTION PROGRAM**

**EXHIBIT A  
 FACILITY INSPECTION REPORT**

FACILITY: Southeast corner of Warren Road and East Benton Road, Temecula, CA  
 INSPECTION DATE/TIME: Jan. 6, 2012, 1100-1300 hrs

WDID/FILE NO.: NOI not filed for construction activities

**REPRESENTATIVE(S) PRESENT DURING INSPECTION:**

NAME: <u>Dat Quach</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Darren Bradford</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: _____	AFFILIATION: _____

Neil M. Cleveland & Roger W. Epperson,  
 NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE  
28046 Del Rio Road, Suite C  
 OWNER MAILING ADDRESS  
951-676-4148  
 OWNER CONTACT NAME AND PHONE #  
 #

Corey Wood (Prospective Buyer)  
 FACILITY OR DEVELOPER NAME (if different from owner)  
APN# 924-370-005  
 FACILITY ADDRESS  
(909) 910-4306  
 FACILITY OR DEVELOPER CONTACT NAME AND PHONE

**APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS          | <input checked="" type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES |
| <input checked="" type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS           |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT                | <input checked="" type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION                     |
| <input type="checkbox"/> INDUSTRIAL GENERAL PERMIT              | <input type="checkbox"/> CWC SECTION 13264  |

**INSPECTION TYPE (Check One):**

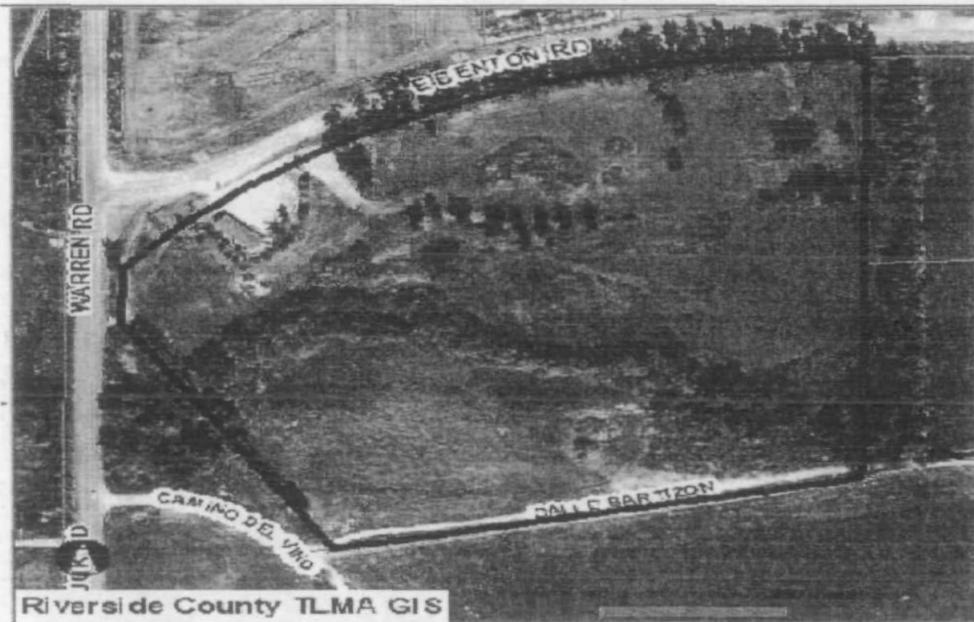
- "A" TYPE COMPLIANCE--COMPREHENSIVE INSPECTION IN WHICH SAMPLES ARE TAKEN. (EPA TYPE S)
- "B" TYPE COMPLIANCE--A ROUTINE NONSAMPLING INSPECTION. (EPA TYPE C)
- NONCOMPLIANCE FOLLOW-UP--INSPECTION MADE TO VERIFY CORRECTION OF A PREVIOUSLY IDENTIFIED VIOLATION.
- ENFORCEMENT FOLLOW-UP--INSPECTION MADE TO VERIFY THAT CONDITIONS OF AN ENFORCEMENT ACTION ARE BEING MET.
- COMPLAINT--INSPECTION MADE IN RESPONSE TO A COMPLAINT.
- PRE-REQUIREMENT--INSPECTION MADE TO GATHER INFO. RELATIVE TO PREPARING, MODIFYING, OR RESCINDING REQUIREMENTS.
- NO EXPOSURE CERTIFICATION (NEC) - VERIFICATION THAT THERE IS NO EXPOSURE OF INDUSTRIAL ACTIVITIES TO STORM WATER.

Facility: SE corner of Warren Road and East Benton Road, Temecula, CA; APN# 924-370-005  
 Inspection Date: 1/6/2012

CIWQS:

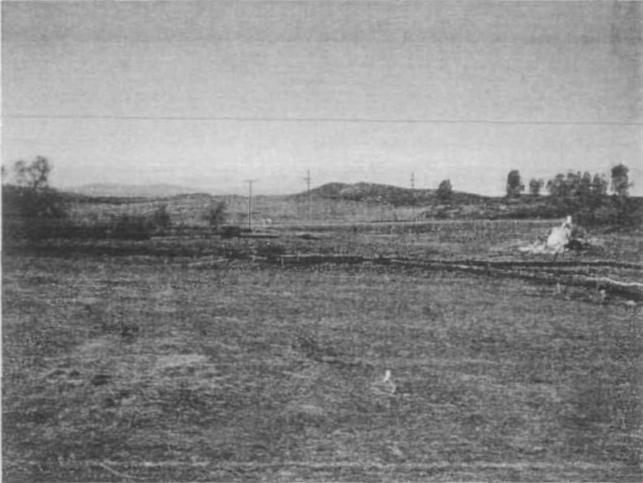
Tech Staff Info & Use	
File No.	12C-006
WDID	933CN601730
Reg. Measure ID	383041
Place ID	776680
Party ID	531569
Inspection ID	7109706

Picture No. 1:  
 2011 Historical Site Aerial APN: 924-370-005.

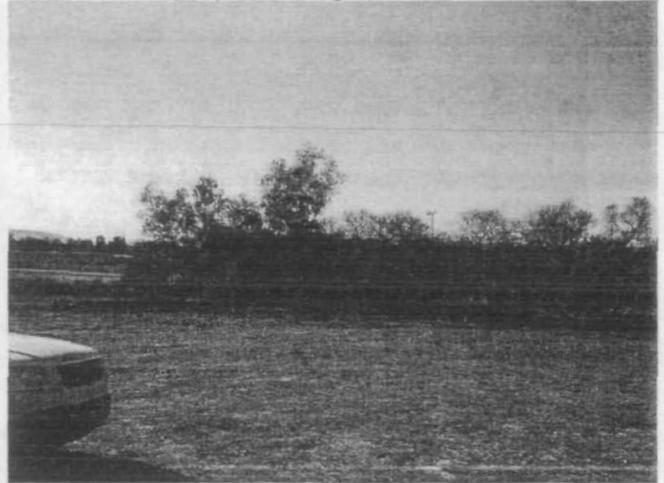


Facility: SE corner of Warren Road and East Benton Road, Temecula, CA; APN# 924-370-005  
Inspection Date: 1/6/2012

8: Cleared Wetlands & Stockpiling.



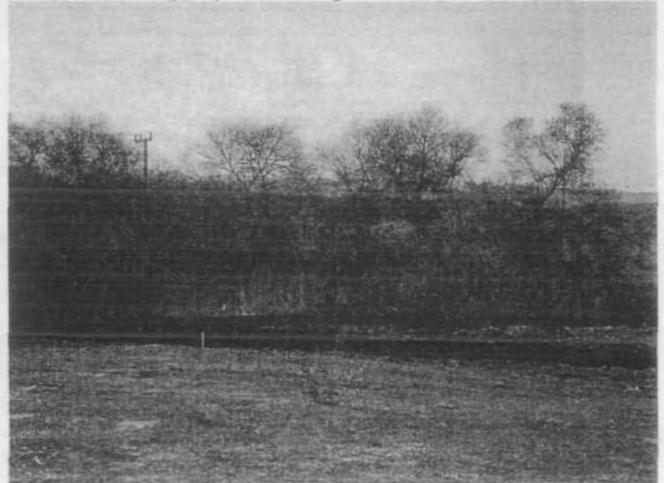
11: Remaining Riparian Vegetation.



9: Upstream Eucalyptus Grove.



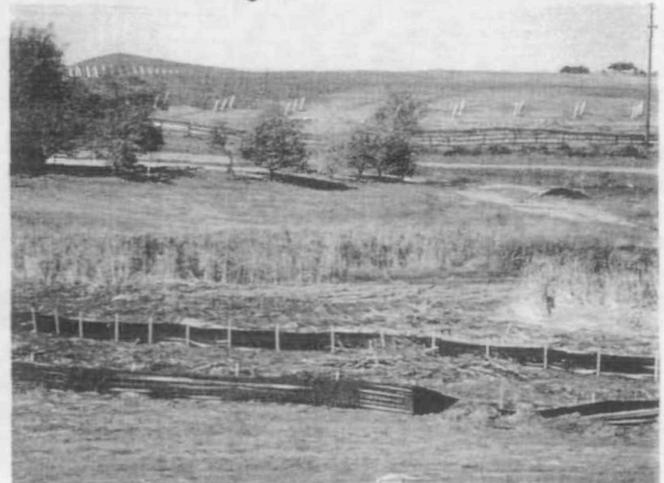
12: Remaining Riparian Vegetation.



10: Upstream Eucalyptus Grove.



13: Wetland Clearing



Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Neil M. Cleveland +  
Roger W. Epperson  
28046 Del Rio Rd., Suite C  
Temecula, CA 92590

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

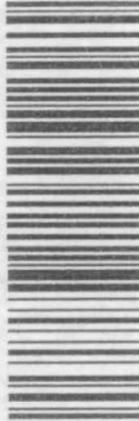
Article Number

Transfer from service label) 7010 1060 0000 4952 7723

Form 3811, February 2004 3-22 Domestic Return Receipt *radford* 102595-02-M-1540

PLEASE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



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U.S. Postal Service™  
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**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$3.60

Postmark Here

Sent To  
Neil M. Cleveland and Roger W. Epperson  
Street, Apt. No.,  
or PO Box No. 28046 Del Rio Road, Suite C  
City, State, ZIP+4  
Temecula, CA 92590